

REMARKS

The Office Action dated September 14, 2005 has been received and carefully considered. The applicant hereby respectfully requests careful reconsideration of the rejections for the following reasons.

The claims have been amended in response to the rejections raised under 35 U.S.C. § 112, second paragraph. In addition, claim 1 has been amended to include the full subject matter of original claim 2. Claim 2 has been canceled and the dependencies of the remaining claims have been revised accordingly.

Claims 1, 2, 8 and 9 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Klopfenstein (U.S. Patent No. 4,745,815).

As indicated above, claim 1 has been amended to include the full features of original claim 2. It is respectfully submitted that, contrary to the Examiner's statements, Klopfenstein does not disclose or suggest the features of the claimed main body unit, which includes a tube member (24) and a pair of cover members (i.e., rod cover 20 and head cover 22) which are connected to both ends of the tube member (24), and wherein a piston (32), which is slidably displaceable along an inner wall surface of the tube member (24), is connected to an end of the feed screw shaft (14).

In particular, considering the Examiner's statements on page 4 of the Office Action, the Examiner contends that the claimed "cover members" are shown respectively by the bold line on the right hand side of the ball screw 30, and the brake member

84 on the left hand side of the ball screw 30. However, the Examiner has not identified any members shown in Klopfenstein which read on the "tube member" of the claimed invention, and the portions of the reference alleged by the Examiner to read on the claimed "cover members" are not connected to both ends of a "tube member" which, as claimed, contains a piston therein which is slidably displaceable along an inner wall surface of such a tube member.

On the contrary, the features of Klopfenstein identified by the Examiner as reading on the claimed "cover members" are disposed on respective sides of the ball screw 30. Moreover the shaft member 52, which is identified by the Examiner as reading on the claimed "piston" is not slidable axially along an inner wall surface, but on the contrary, the shaft member 52 is connected through bearings 64 to an inner screw 34, which is threaded and engaged with interior screw threads of the ball screw 30. In other words, there is no "tube member" shown or suggested in Klopfenstein, having a piston therein which is slidably displaceable along an inner wall surface of the tube member, and also having "cover members" connected to respective ends of the tube member, as presently claimed.

Further, it is respectfully submitted that an adequate basis does not exist for assuming that the bold line shown on the right hand side of the ball screw 30 corresponds in any way to a "cover member" as claimed. More likely, the bold line simply indicates an open end of the hollow internally threaded ball screw 30 itself. There is absolutely no indication in the cited

reference that such a bold line constitutes a "cover member," which covers and closes the end of a tube member, as currently claimed.

Finally, in the claimed invention, the "feed screw shaft" and the "tube member" are clearly set forth as separate and distinguishable elements. However, in the present rejection, the Examiner seems to be equating the ball screw 30 of Klopfenstein with both the claimed "feed screw shaft" and the claimed "tube member." It is respectfully submitted, however, that a single element in the cited reference clearly cannot be responsive to both claimed features of the "feed screw shaft" and the "tube member."

In summary, if the Examiner seeks to maintain this rejection, it is respectfully requested that the Examiner specifically point out which separate elements of Klopfenstein read on each of the following claimed features, and which have the following claimed structural relationships:

- (1) The tube member;
- (2) The pair of cover members, which are connected to both ends of the tube member;
- (3) The piston, which is slidably displaceable along an inner wall surface of the tube member; and
- (4) The feed screw shaft, which is a separate element apart from the tube member, and which has one end thereof connected to the slidable piston.

A proper rejection under 35 U.S.C. § 102 based on anticipation requires that each and every feature of the rejected

claims be shown in a single reference. Since each of the four features identified above, and their claimed interrelationships, are not in fact shown by Klopfenstein, it is respectfully submitted that the rejection to claim 2 was in error. Further, as presently amended to incorporate the subject matter of former claim 2, it is respectfully submitted that amended claim 1 is not anticipated by Klopfenstein.

Claims 3 to 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Klopfenstein in view of Faudi (U.S. Patent No. 1,973,432).

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Klopfenstein and Faudi, taken further in view of Oster (U.S. Patent No. 3,281,138).

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Klopfenstein.

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Klopfenstein in view of Scavini (U.S. Patent No. 3,053,104).

Concerning the other rejections to the dependent claims, based on the applicant's remarks pertaining to claim 1, it is respectfully submitted that all of the dependent claims are allowable at least for the same reasons discussed above. As indicated above, Klopfenstein does not anticipate amended claim 1, and the cited secondary references offer nothing to make up for the deficiencies of the primary reference.

Turning to other matters, the abstract has been amended, as suggested by the Examiner, to state that the gear section

includes a plurality of teeth arranged circumferentially about the gear section. The corresponding language in claim 1 has also been amended in a similar manner.

Claims 1 to 10 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

It is respectfully submitted that the phrase "substantially in parallel" is not indefinite and does not require amendment. The applicant appreciates the Examiner's reasoning that "parallel" is an exact term, and therefore that two bodies are either in parallel or not in parallel. Nevertheless, the phrase "substantially in parallel" in the context of the present claims is not indefinite, as it is intended to imply, in essence, that the rotary driving source is parallel to the axis of the main body unit. However, the claimed invention should cover and still be readable on other products, for which slight deviations from such an exact parallel structure might exist. That is, one should not be able to avoid the claims simply by providing a rotary driving source, which is slightly out of parallel alignment with the axis of the main body unit.

In addition, a search of the USPTO patent database indicates that the language "substantially parallel" or "substantially in parallel" appears in various claims of literally tens of thousands of issued United States patents.^{*} Unless the Examiner wishes to go on record as stating that the claims of such existing patents are invalid due to indefiniteness,

^{*} The first page of a search of the USPTO Patent Database for patent claims containing the phrase "substantially in parallel" and showing 89290 patents is attached.

it is respectfully requested that the applicant be permitted to use the same language as has been used by thousands of other patentees.

The other matters raised in the 35 U.S.C. § 112 rejections have all been responded to in a straightforward manner. The phrase "a gear section having a plurality of teeth circumferentially" has been amended, in a similar manner to the abstract, to now read, "a gear section having a plurality of teeth arranged circumferentially about said gear section." The term "outside" has been revised, in claims 1 and 4, respectively. Specifically, in claim 1, it is now stated that the feed screw shaft is provided movably back and forth within the main body unit and projects outside of the main body unit. In claim 4, the term has been revised, as recommended by the Examiner, to state that air is discharged from the cushion chambers to the atmosphere. Finally, in claim 5, the latter occurrence of the term "holes" has been changed to --said holes--, as recommended by the Examiner to provide proper antecedent basis.

In light of the amendments and remarks above, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

For the foregoing reasons, it is respectfully submitted that the claimed invention is novel and would not have been obvious to a person skilled in the art at the time the invention was made. Therefore, careful reconsideration of the rejections and allowance of pending claims 1 and 3 to 10 is respectfully requested.

No fees are currently due with this paper. Notwithstanding, should it be deemed that fees, or deficiencies in fees, are required in connection with this or any accompanying communication, such amounts may be charged to the Attorney's Deposit Account No. 07-2519.

Respectfully submitted,



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Patent Database Search Results: acld/"substantially in parallel" in 1976 to present

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Results of Search in 1976 to present db for:
 ACLM/"substantially in parallel": 89290 patents.
 Hits 1 through 50 out of 89290

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PAT. NO. Title

- 1 [6,964,057](#) T [Case for disk device for reproducing or recording information](#)
- 2 [6,963,679](#) T [Micro-opto-electro-mechanical switching system](#)
- 3 [6,963,653](#) T [High-order directional microphone diaphragm](#)
- 4 [6,963,632](#) T [Optimized x-ray tube cooling device](#)
- 5 [6,963,489](#) T [Controlling thermal, acoustic, and/or electromagnetic properties of a computing device](#)
- 6 [6,963,473](#) T [Head arm assembly and disk drive device with the head arm assembly having enhanced impact resistance](#)
- 7 [6,963,448](#) T [Optical low-pass filter, and image sensing unit and apparatus using the same](#)
- 8 [6,963,443](#) T [Optical parametric oscillator and method of constructing same](#)
- 9 [6,963,440](#) T [System and method for driving a light delivery device](#)
- 10 [6,963,433](#) T [Multibeam scanning optical device and image forming apparatus using the same](#)
- 11 [6,963,284](#) T [Level for indicating object tilt along user line of sight](#)
- 12 [6,963,261](#) T [Magnetic anchoring module with a system for enabling/disabling and adjusting the magnetic anchoring force and related assemblies](#)
- 13 [6,963,211](#) T [Methods and apparatus for creating a high speed connection between a device under test and automatic test equipment](#)
- 14 [6,963,159](#) T [Image-forming apparatus and spacer](#)
- 15 [6,963,098](#) T [Thermally operated switch control memory cell](#)
- 16 [6,963,083](#) T [Liquid crystal display device having polycrystalline TFT and fabricating method thereof](#)
- 17 [6,963,038](#) T [Liquid metal contact microprelay](#)
- 18 [6,962,844](#) T [Memory device having a semiconducting polymer film](#)
- 19 [6,962,761](#) T [Vibration-resistant accumulator and method of its manufacture](#)
- 20 [6,962,596](#) T [System for performing vascular anastomoses](#)